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JAMES BONINI
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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WESTERN DISTRICT OF OHIO
CINCINNATI

Walter W. Thiemann, on behalf of himself and of all others similarly situated,	:	Case No. C-1-00-793
Plaintiffs,	:	Judge Sandra S. Beckwith
vs.	:	Magistrate Judge Hogan
OHSL FINANCIAL CORP., et al.	:	
Defendants.	:	

**MOTION TO TAKE THE DEPOSITIONS OF GARY KREIDER AND
DAVID ROSENBERG**

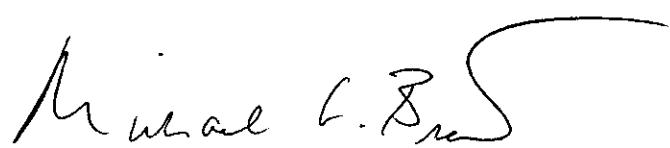
Pursuant to Magistrate Judge Hogan's direction at the 9 November 2003 Status Conference, the plaintiff class respectfully moves to take the depositions of KMK attorneys Gary Kreider and David Rosenberg. It is undisputed that both Messrs. Kreider and Rosenberg provided legal services with respect to the OHSL-PFGI merger, though the parties dispute the degree of importance of the services rendered. It is undisputed that the depositions of both Messrs. Kreider and Rosenberg were either scheduled or in the process of being scheduled when the Court issued its 20 October 2003 Order. (*See*, Sept. 18, 2000 letter from Pat Fischer to Michael G. Brautigam, Attached as Exhibit A.) Counsel for Messrs. Kreider and Rosenberg have interpreted the Order as staying discovery with respect to KMK, or at least to Messrs. Kreider and Rosenberg, using it as a sword, not a shield, to evade their discovery obligations. The plaintiff class wishes to question both Messrs. Kredier and Rosenberg about their involvement in the

preparation and dissemination of the Proxy Materials/Registration Statement that is at issue in this litigation, as the plaintiffs have done previously with four KMK transactional attorneys who also co-wrote the document.

The plaintiff class wishes to make clear that it does not seek an exception to Magistrate Judge Hogan's recent Scheduling Order, but rather compliance with it. Accordingly, the plaintiff class should be entitled to take the depositions of relevant fact witnesses who rendered legal services on the Proxy Materials/Registration Statement at issue.

Respectfully submitted,

By:



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September 18, 2003

Via Facsimile

Michael G. Brautigam
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Dear Mr. Brautigam:

From a review of the depositions, you should be aware that Mr. Rosenberg and Mr. Kreider know almost nothing about this matter. The need to take their depositions is not necessary and thus your harassment continues.

That said, we will offer them for their deposition at a date and location convenient to them. Thus, subject to the "reasonable accommodation," we will make both Mr. Rosenberg and Mr. Kreider available at our offices on a date to be determined. Obviously, this same "reasonable accommodation" [per your letter], also should have been granted to the other witnesses, too.

Very truly yours,

KEATING, MUETHING & KLEKAMP, P.L.L.C.

By: 

Patrick F. Fischer

cc: John Hust, Esq.

I hereby certify that on this 10th day of December, 2003, a true and correct copy of the foregoing Motion to Take Deposition was served as follows:

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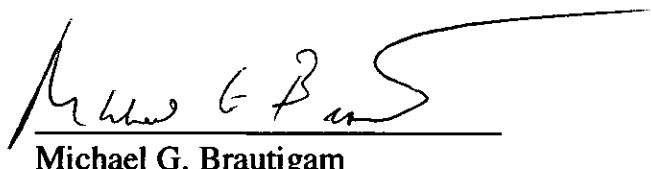
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